

**CITY OF MILFORD  
PLANNING COMMISSION**

*Minutes of Meeting  
May 19, 2009*

The regular monthly meeting of the Milford Planning Commission was held in the Joseph Ronnie Rogers Council Chambers, 201 South Walnut Street, Milford, DE 19963 on Tuesday evening, May 19, 2009.

PRESIDING: Vice Chairman Chuck Rini

IN ATTENDANCE: Commissioners Jamie Burk, John Kramlich, Karen McColley, Kim Stevenson, Marvin Sharp

ALSO: City Planner Gary Norris, Department Administrative Assistant/Recording Secretary Christine Crouch

COUNSEL: City Solicitor Timothy Willard

Mr. Rini called the meeting to order at 7:00 pm, noting Mr. James and Mr. Gleysteen were absent.

**Appointment of Chairman**

Mr. Rini reminded the commission Mr. Warfel submitted his resignation effective May 1<sup>st</sup> and opened the floor to nominations of a new Chairman. A motion by Mrs. Stevenson was seconded by Mr. Sharp to nominate Mr. Rini as Chair. No further nominations were offered. Motion carried unanimously. Mr. Rini thanked the commission and stated he considers it an honor to be nominated and is proud to serve, understanding these are big shoes to fill.

The commission now needs a Vice Chair to fill in for Mr. Rini's vacancy. A motion by Mr. Kramlich was seconded by Mr. Burk to nominate Mrs. Stevenson as Vice Chair. With no other nominations, the motion carried unanimously.

Since the Secretary position is vacant, Mrs. Stevenson nominated Mr. Burk as Secretary, seconded by Mrs. McColley. With no additional nominations, the motion carried unanimously.

At this time Mr. Rini noted Mayor Marabello attendance in the audience.

**APPROVAL OF MINUTES**

With a motion by Mr. Kramlich, seconded by Mrs. Stevenson, the minutes from the April Planning Commission meeting were approved as written.

**UNFINISHED BUSINESS**

**Amendment to City of Milford Signage Requirements/Chapter 230; Zoning Code**

Mr. Norris explained since the last meeting, two letters have been received at the City offices. One from Key Properties and the other from First State Signs. Essentially both letters request the City to consider the local businesses and how any changes to the sign ordinance will affect them. The commission has talked about this section of the code at great length and Mr. Norris feels the commission needs to decide what they wish to do to with it. Either suggest changes and forward it to Council or do not suggest changes.

Mr. Kramlich stated he only wishes to address the LED signs and would like the remainder of the chapter left as is.

Mr. Sharp questioned what the commission last left the distance between LED signs at. The consensus was 5,000 feet. He felt maybe the size of the screens and animation needed to be addressed as well. Mrs. Stevenson suggested language be included to address the readability of the sign in correlation to the speed limit on the street it is posted on, but would like to allow the business owner to maintain their creativity with the sign as well.

Mr. Rini stated he would like the commission to have flexibility with signage and when the commission reviews a project, make a determination on the signage then.

Mr. Norris explained a great deal of information has been supplied to the commission with all of these topics included. He reiterated for clarification purposes, the commission would like to see a master sign package for every commercial land use application at the time the project is first reviewed by the commission. Mr. Rini felt the more detailed the information submitted, the better the commission can support the Mayor and council's direction on citywide beautification efforts.

Mr. Burk agreed with Mr. Sharp on the animation issue and added the brightness of LED signs can be a hazard as well. The main focus of the commission's recommendations needs to be for the safety of the traffic so the sign is not a distraction. Mr. Norris stated he has supplied the commission with luminance restriction information as well.

Mr. Sharp commented the letter from First State Signs suggests the commission speak or meet with a sign professional. Mr. Sharp felt that is a good idea.

Mr. Rini called for public comment.

Mrs. Lynn Hammond, President of the Chamber of Commerce for Greater Milford, read the following statement:

“The Chamber currently has 291 members. These members represent everybody from home based service, retail, commercial and industrial. We feel it's very critical that the Planning Commission and the City receive input from the business community before making a recommendations and changes that impact them directly. The Chamber encourages you to seek avenues that maintain, sustain, and grow our community and to be sure recommendations are positive to business as well as to the town. We support the City in keeping Milford as a business friendly environment and the opportunity to partner our goals.”

Mrs. Hammond continued by stating the information that is flowing through the Chamber and from the members they have is that the changes will cost them money. These changes are going to keep businesses from coming to and staying in Milford. Just want to be sure the Commission includes the business community and embrace their ideas before any motions are made.

Bernadette Mossman, owner of 805 S DuPont Blvd, stated as a business person in Milford, she agrees with the comments from the chamber, but someone spending \$20,000 on a sign won't let it look poorly. She further questioned who will monitor these sign ordinance changes? The City doesn't have that kind of enforcement. She felt the commission is making too much of an emphasis on the timing between messages. The school and fire hall signs are fine and these types of signs can only go so bright. The size of the signs is important though, but limiting the animation and/or brightness is just too far.

Mrs. McColley replied she appreciates Ms. Mossman's input and the commission has been taking time to get this ordinance change done right the first time. The reason the commission is so concerned about the various aspects of LED signs is because if a business owner puts up a sign that is distracting and that distraction causes

an accident, the business owner could be at fault for the accident. The commission is certainly not telling anyone how to run their business. Look at upstate or downstate and there are signs that do cause problems. The commission is just trying to keep everyone safe.

Mr. Sharp asked Mrs. Hammond if the Chamber would bring three businesses to the table to meet and discuss possible changes or design criteria. Mrs. Hammond agreed to

Hearing no further public comments, Mr. Rini closed the public hearing.

Mr. Rini commented that this item has been on the agenda for several months now and understands area businesses are concerned. He agrees with Mr. Norris that the commission needs to do something with this item, but there are no concrete changes or suggestions on the table for Mr. Norris to draft an ordinance change for the commission to review and recommend to council. The commission owes it to Milford to make a decision. Mrs. McColley agrees with Mr. Sharp that a subcommittee should be formed.

Mr. Sharp made a motion to send this item on the agenda to a newly created Signage Subcommittee that will include three businesses from the Chamber and Mrs. McColley, Mr. Burk and himself as the Chair. Motion seconded by Mr. Burk. Motion carried with a 5-1 vote. Mr. Kramlich voted no stating any discussions regarding changes to the sign ordinance need to happen at the Planning Commission hearings. Mr. Willard reminded the commission the subcommittee meetings will require a public notice and minutes.

The subcommittee will report back at the next commission meeting.

### **Final Review and Recommendation of Ordinance 2009-7/Chapter 230; Zoning/Source Water Protection District**

#### **PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, May 19, 2008 at 7:00 p.m. to receive public comment on a proposed zoning amendment by adding Prohibited Uses in the Source Water Protection District.

Furthermore, the City Council of the City of Milford will consider said zoning amendment for adoption at their meeting to be held at 7:00 P.M. on Tuesday, May 26, 2009.

Both hearings will be held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

The proposed ordinance and a description thereof is as follows:

#### **ORDINANCE NO. 2009-7**

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF MILFORD, CHAPTER 230, ZONING, SECTION 19.2 SOURCE WATER PROTECTION DISTRICT, BY ADDING PROHIBITED USES.**

**NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:**

Section 1. Amend §230-19.2 to read as follows:

§230-19.2 Source Water Protection District

D. Source Water Protection Standards.

- 5) Zone 1 Requirements
- a. Permitted Uses
    1. Infrastructure, equipment, buildings, access and other uses associated with the well, distribution and treatment facilities of the water system and their maintenance.
    2. Wells existing prior to December 31, 2007. No other structures or uses shall be permitted in Zone 1 unless the application, which shall demonstrate the proposed structure or use will not harm or potentially harm the public drinking water supply, is approved as a Conditional Use by City Council.
  - b. **Prohibited Uses**
    1. **See Table 01: Land Use Restrictions and Uses Source Water Protections Areas**
- 6) Zone 2 Requirements
- a. Permitted Uses
    1. Uses permitted in the underlying zoning district may be permitted under an approved Conditional Use that protects the public drinking water supply for the City and meets the minimum requirements for stormwater management, impervious cover, above ground and underground storage tanks.
  - b. **Prohibited Uses**
    1. **See Table 01: Land Use Restrictions and Uses Source Water Protections Areas**
  - c. Stormwater Management
    1. Stormwater shall be treated by an approved stormwater quality management practice in accordance with current requirements of the *Delaware Sediment and Stormwater Regulations* dated October 11, 2006 or as later revised.
    2. For all new construction, all structures shall be required to discharge roof drains into recharge systems. Recharge systems shall be in accordance with Section 10.0 of the *Delaware Sediment and Stormwater Regulations* dated October 11, 2006 or as later revised.
  - d. Impervious Cover
    1. Wellhead Protection Areas should not exceed 20% impervious cover. New development in this Zone may exceed the 20% impervious cover threshold within Wellhead protection Areas , but shall be no more than 50% impervious cover, provided the applicant submits an Environmental Assessment Impact Report as provided for in §230-19.2F indicating the additional impervious area will not have an adverse impact on the drinking water supply.
  - e. Underground Storage Tanks (UST)
    1. Underground storage tanks with a capacity greater than 110 gallons containing petroleum, and Residential and Agricultural USTs with a capacity greater than 1,100 gallons containing heating fuel or motor fuel shall be permitted in a designated wellhead area if the USTs are designed, constructed, maintained, and operated in accordance with the *Delaware Regulations Governing Underground Storage Tank Systems*, or as later revised. (NOTE: Regulated USTs must be constructed with secondary containment of the tanks and piping and must have continuous monitoring for releases.) The property owner shall be required to submit an annual report, prepared by a licensed tank inspector, certifying the UST meets the criteria established herein.
    2. Underground storage tanks with a capacity greater than 110 gallons containing a hazardous substance as defined in CERCLA §101(14) shall be permitted in a designated wellhead area if the USTs are designed, constructed, maintained and operated in accordance with the *Delaware Regulations Governing Underground Storage Tank Systems*. (NOTE: Regulated USTs must be constructed with secondary containment of the Tanks and piping and must have continuous monitoring for releases.) The property owner shall be required to submit an annual report, prepared by a licensed tank inspector, certifying the UST meets the criteria established herein.

- f.* Above Ground Storage Tanks
1. Aboveground storage tanks with a capacity greater than 12,499 gallons containing petroleum or hazardous substances, and ASTs with a storage capacity greater than 39,999 gallons containing diesel, heating fuel or kerosene shall be permitted in a delineated wellhead area if the ASTs are designed, constructed, operated and maintained with the applicable requirements in the Delaware *Regulations Governing Aboveground Storage Tanks*.
- 7) Zone 3 Requirements
- a.* Permitted Uses
1. Uses permitted within the underlying zoning district unless prohibited by this Section.
  2. Hazardous Waste Storage, Treatment, and Disposal Facilities, Hazardous Waste Generators, Sanitary and Industrial Facilities as defined in the Delaware Regulations Governing Hazardous Waste, Vehicle Repair, Salvage Operations, Waste Sludge Storage or Application, Solid Waste Landfills, Tire Piles and Dredge Spoil Sites shall not be permitted in Zone 3.
- b. Prohibited Uses*
1. *See Table 01: Land Use Restrictions and Uses Source Water Protections Areas*
- c.* Stormwater Management and Impervious Cover
1. There are no requirements contained in this section in order for the development to occur provided the impervious cover of that portion of the parcel within the excellent recharge area is thirty-five (35) percent or less.
  2. Impervious cover of that portion of the parcel within the excellent recharge area *that is* ~~or~~ greater than thirty-five (35) percent but no more than sixty (60) percent is allowed provided the applicant demonstrates through a report prepared by a registered professional geologist or registered professional engineer familiar with the hydro geologic characteristics of the City of Milford and the surrounding areas using climatic water budget that post-development recharge quantity will meet or exceed the existing (pre-development) recharge quantity. Efforts to mitigate discharges to *pervious* ~~impervious~~ surfaces shall count towards the formula used to compute post-development mitigation of any discharges.
  3. ~~For all new construction where the impervious surfaces exceed sixty (60) percent or where the level of post-development recharge is less than pre-development recharge, all structures shall be required to discharge roof drains into underground recharge systems or permeable surfaces that allow the discharges to infiltrate into the ground. Efforts to mitigate discharges to impervious surfaces shall count towards the formula used to compute post-development mitigation of any discharges.~~  
*For all new construction, infill, and redevelopment within the Town Center as defined in Figure 14D Neighborhood Map-Town Center as it is delineated in the 2008 Comprehensive Plan impervious cover may exceed sixty (60) percent. All structures are required to discharge roof drains into underground recharge systems or permeable surfaces that allow discharges to infiltrate into the ground. The site plan is to consist of BMPs that include such items as pervious pavers, pervious concrete and infiltration practices designed to assure that recharge is maximized. The practices shall address water quality as well as overall water quantity.*
  4. Discharge from roof drains, containment areas or impoundments that have run-off from an area that may contain contaminants from mechanical systems shall be segregated and treated prior to discharge.
- d.* Underground Storage Tanks (UST)
1. Underground storage tanks with a capacity greater than 110 gallons containing petroleum, and Residential and Agricultural USTs with a capacity greater than 1,100 gallons containing heating fuel or motor fuel shall be permitted in a designated wellhead area if the USTs are designed, constructed, maintained, and operated in accordance with the Delaware *Regulations Governing Underground Storage Tank Systems*, or as later revised. (NOTE:

Regulated USTs must be constructed with secondary containment of the tanks and piping and must have continuous monitoring for releases.) The property owner shall be required to submit an annual report, prepared by a licensed tank inspector, certifying the UST meets the criteria established herein.

2. Underground storage tanks with a capacity greater than 110 gallons containing a hazardous substance as defined in CERCLA §101(14) shall be permitted in zone 3 if the USTs are designed, constructed, maintained and operated in accordance with the Delaware *Regulations Governing Underground Storage Tank Systems*. (NOTE: Regulated USTs must be constructed with secondary containment of the Tanks and piping and must have continuous monitoring for releases.) The property owner shall be required to submit an annual report, prepared by a licensed tank inspector, certifying the UST meets the criteria established herein.

*e.* Above Ground Storage Tanks

1. Aboveground storage tanks with a capacity greater than 12,499 gallons containing petroleum or hazardous substances, and ASTs with a storage capacity greater than 39,999 gallons containing diesel, heating fuel or kerosene shall be permitted in Zone 3 if the ASTs are designed, constructed, operated and maintained with the applicable requirements in the Delaware *Regulations Governing Aboveground Storage Tanks*.

**Table 01: Land Use Restrictions and Uses Source Water Protections Areas.** Activities shall be subject to the land use restrictions contained within this ordinance that will protect the quality and quantity of ground water supplies. All uses not permitted in the underlying zone district are prohibited. No – Prohibited; Yes – Allowed; C – Conditional

<i>Land Use</i>	<i>Well Head Protection Area</i>		<i>Excellent Ground-Water Recharge Potential Area</i>
	<i>ZONE 1</i>	<i>ZONE 2</i>	<i>ZONE 3</i>
<i>Aboveground Storage Tanks</i>	<i>NO</i>	<i>NO</i>	<i>C</i>
<i>Automobile body/repair shop</i>	<i>NO</i>	<i>NO</i>	<i>C</i>
<i>Chemical processing/storage facilities</i>	<i>NO</i>	<i>NO</i>	<i>C</i>
<i>Dredge Spoil Sites</i>	<i>NO</i>	<i>NO</i>	<i>C</i>
<i>Dry cleaner</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>
<i>Electrical/electronic manufacturing facility</i>	<i>NO</i>	<i>NO</i>	<i>C</i>
<i>Equipment maintenance/fueling areas</i>	<i>NO</i>	<i>NO</i>	<i>C</i>
<i>Fleet/trucking/bus terminal</i>	<i>NO</i>	<i>NO</i>	<i>C</i>
<i>Gas station</i>	<i>NO</i>	<i>NO</i>	<i>C</i>
<i>Hazardous Waste: Treatment, Storage &amp; Disposal Facilities</i>	<i>NO</i>	<i>NO</i>	<i>C</i>
<i>† Dry Wells/sumps</i>	<i>NO</i>	<i>C</i>	<i>YES</i>
<i>†† Injection wells</i>	<i>NO</i>	<i>C</i>	<i>C</i>
<i>Junk/scrap/salvage yard</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>
<i>Machine shop</i>	<i>NO</i>	<i>NO</i>	<i>C</i>
<i>Metal plating/finishing/fabricating facility</i>	<i>NO</i>	<i>NO</i>	<i>C</i>
<i>Mines/gravel pits</i>	<i>NO</i>	<i>NO</i>	<i>C</i>
<i>On-Site wastewater treatment and disposal systems</i>	<i>NO</i>	<i>NO</i>	<i>C</i>
<i>Salvage operations</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>
<i>Sanitary and Industrial Landfills</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>
<i>Tire Piles</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>
<i>Underground storage tanks</i>	<i>NO</i>	<i>NO</i>	<i>C</i>
<i>Vehicle repair</i>	<i>NO</i>	<i>NO</i>	<i>C</i>
<i>Vessel storage</i>	<i>NO</i>	<i>NO</i>	<i>C</i>
<i>Waste sludge storage or application</i>	<i>NO</i>	<i>NO</i>	<i>C</i>
<i>Wood preserving/treating facility</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>

*† Dry wells/sumps, except for single-family residences directing gutter downspouts to a drywell*

*†† Injection wells other than those used in the remediation of ground water contamination that inject oxygen-releasing compounds*

**Section 2. Dates.**

Introduction to City Council: 04/27/09

Planning Commission Public Hearing: 05/19/09

Projected Adoption Date by City Council: 05/26/09

Projected Effective Date: 06/05/09

Mr. Norris stated this ordinance change is the only hang up in receiving certification from the State on our Comprehensive Plan. The City has met a few time with DNREC to discuss changes DNREC wants to see to

our existing Source Water Protection Ordinance, and what the commission has before them tonight is the culmination of those meetings.

Mr. Rini called for public comments, but hearing none closed the public hearing.

A motion to approve the ordinance as presented was made by Mrs. McColley and seconded by Mrs. Stevenson. The motion carried with a 5-1 vote. Mrs. Stevenson voted stating the City already has a Source Water Ordinance in effect and it does not need changes.

### **Proposed New Lighting Requirements**

Mr. Norris explained he has taken what Mrs. Stevenson had compiled and commission discussed and created a draft lighting ordinance, however Mr. Willard has not reviewed it. Mr. Willard stated he sees some technical issues and is not sure how to incorporate the lighting requirements into the code. He may suggest a new section be added to the code. Mr. Willard asked Mrs. Stevenson where she obtained her suggestions from. She replied the National Dark Sky Association.

Mr. Willard and Mr. Norris will work together and draft an ordinance the commission can review and recommend. It appears to be a technicality rather than a substance issue.

### **NEW BUSINESS**

Donald Fisher on behalf of Fisher Sales & Services Inc  
Final Review and Recommendation of a Conditional Use; Project: 09-108  
.428 +/- Acres at 107 NE Front Street  
Tax Map MD-16-183.10-03-70.00, C-2 District  
Adoption of Resolution PC09-011 & Recommendation of Ordinance 2009-8

Mr. Donald Fisher, the owner, was present to represent the application. Mr. Fisher stated his father built his building in 1915 and it became a furniture store. The Boys and Girls Club has been renting the building up until January 2009 and now he is looking to reuse the building for a well suited business, seeing as it is in the downtown area. Mr. Fisher is very interested in having the building be used as a recreation center for the entire community and feels the prospective tenant is a good fit. There will be church services on Sundays but also indoor soccer, basketball, fitness classes and various sports and a daycare.

Mr. Norris noted the application lists “church, recreational, daycare”, however the church use is a permitted use in this district. The conditional use Mr. Fisher is seeking is for the indoor recreation and daycare. Mr. Norris highly recommends the applicant be required to have Fire Marshal approval prior to final approval from the City. Mr. Fisher stated he has met with the Fire Marshal and is currently making the needed changes to the building per the Fire Marshal’s comments. He has no objection to making the approval from the city contingent upon Fire Marshal approval.

Mrs. Mccolley stated basically what Mr. Fisher is seeking is exactly what the Boys and Girls Club had there, just to be used more often and by adults. She questioned who tenant will be. Mr. Jonathan Dukes of Waterlife Community Church came to the podium.

Mr. Dukes stated he would like to run a community center from this location, for after school care and for adults in the community. His goal is to address the drop-out rate and take his ministry to the streets. There will be bible study offered in the evenings and English and Spanish classes will be taught.

Mr. Rini called for public comment, but hearing none closed the public hearing.

Mr. Kramlich made a motion to adopt resolution PC09-011 approving the conditional use application for a daycare and indoor recreation center contingent upon receiving Fire Marshal approval prior to a Certificate of Occupancy being issued. Motion seconded by Mr. Burk. Motion carried unanimously following a poll of the commission.

George, Miles & Buhr, LLC on behalf of Milford School District; Project: 08-054  
Final Review and Approval of a Final Site Plan for an upper elementary school  
13.30 +/- Acres at 310 Lovers Lane  
Tax Map 3-30-11.05-217.00, 3-30-11.05-218.00; R-2 District  
Adoption of Resolution PC09-013

Mr. David Meyers, GMB, was present to represent the application along with Mr. Martin Dusbiber of GMB. Mr. Meyers reviewed the power point presentation on the screen that detailed the different phases of the project and explained phase I is primarily the construction of the new building, a new bus loop, and a parking lot on the north end of the building. Phase II is the renovation of the existing parking lots and existing school.

At 7:57 pm Mr. Gleysteen arrived.

Mr. Meyers noted the minor changes made since preliminary approval was obtained from this body. Those changes include adding a play area, a canopied sidewalk to connect with the existing school, the flag pole locations and adding a fitness trail with activity stations. Based on the changes made, they were able to remove two bio ponds. The project has obtained Fire Marshal site plan approval, DNREC approval and they are working to obtain Engineering approval.

Mr. Meyers noted there is an additional change. The school district made a conscious decision, based on their concerns, to not connect to Claude Street, which was part of the preliminary approval from this body. The school felt there was a safety issue by having additional traffic run through the site. There was also a reduction in parking spaces requested in order to reduce impervious surface, however the district feels those spaces are needed for open houses, special events, etc.

Mrs. Mccolley stated one of the reasons the connection to Claude Street was part of the approval is to ease the traffic burden in this area and provide a secondary means of ingress/egress from the school.

Mrs. Stevenson voiced concerns with the amount of impervious area that will not be used a lot. She asked if there was any other way to accomplish the parking but not have the surface impervious. Mr. Meyers explained the district wants to maintain the parking. Mrs. Stevenson stated she understands, but would prefer it not be impervious surface.

Mr. Dusbiber stated the parking is not just extra parking. It will be used by staff and teachers, during voting and by the community when they utilize the fitness trail.

Mr. Rini called for public comment, but hearing none closed the public hearing.

Mr. Rini asked if the parking will still be built if money becomes an issue. Mr. Dusbiber stated the alternate parking is 41 spaces to the west end of the site. This project, although not certified, is considered a green project. There will be solar panels, geo thermal heating, etc.

Mr. Kramlich stated he would prefer to see the alternate parking built so teachers have a place to park other than along the street. Mr. Dusbiber explained the teachers will be instructed to not park on the street.

Mr. Sharp expressed concerns regarding the fact Mrs. McColley's motion to approve the preliminary site plan included the connection to Claude and with a swipe of the pen, it's no longer there. It was, after all, the only item the commission requested and it has not been respected. Mr. Dusbiber stated he is representing what the school district wants done. Mr. Sharp asked if Mr. Dusbiber's client would be agreeable to having the connection made and it be gated during school hours. Mr. Dusbiber felt his client would consider that suggestion.

Mr. Sharp made a motion to adopt resolution PC-09-013 and approve the final site plan with the condition that the connection to Claude Street be made as described in the preliminary approval, and the entrance be gated only during school hours if the school deems it necessary. The gate must be open when school is not in session. Mrs. McColley seconded the motion. The motion carried with a 7-0 vote after a poll of the commission.

[Davis, Bowen and Friedel, Inc on behalf of Shawnee Farm LLC; Project: 09-109](#)  
[Final Review and Recommendation of a Major Subdivision, Phase I to be known as Cypress Hall Residential](#)  
[86.56 +/- Acres into 97 lots \(384 units\) at Rt 113, 4,000 feet South of Rt 36](#)  
[Tax Map 1-30-3.00-261.01; R-3 District](#)  
[Adoption of Resolution PC09-012](#)

Mr. Tim Metzner, DB&F, was present to represent the application and explained the site consists of 86.5 acres in an R3 zoning district. This approval is for phase I only, with subsequent phases to come before the city for approval at a later time.

Mr. Norris confirmed this project has been reviewed by the school district. He further asked for an explanation of the 40% open space requirement. Mr. Metzner explained when looking at the whole site, it's difficult to judge the open space, especially around the apartment areas. Mr. Norris requested a copy of the calculations that confirm the 40% has been met. Mr. Norris further read what defines open space.

Mr. Metzner explained the stormwater ponds are linked to one another and stepped inside, but not fenced. Mr. Norris confirmed the townhouses will have different architectural features and the apartments will not appear to be cookie cutter style apartment buildings. He further directed Mr. Metzner to speak with the City Arborist regarding what types of trees to plant.

Mr. Rini suggested the bus drop off area as requested from the school district incorporate the mail system. This works well in Knotts Landing.

Mr. Metzner stated there will be a Home Owners Association for everyone. Mr. Norris requested a copy of the HOA docs and recommended they be recorded with the plat.

When asked when construction will begin, Mr. Metzner stated as soon as preconstruction meeting can be held.

Mrs. McColley questioned the parking space dimensions. Mr. Metzner stated they are per City specs. Mrs. McColley suggested they consider making the parking spaces larger because the minimum size is not always comfortable with larger vehicles.

Mr. Rini called for public comment.

Ms. Bernadette Mossman, owner of 805 S DuPont Blvd asked if the commission is looking at open space, then shouldn't the commission be looking at the entire plan, not just phase I, so everyone knows what's coming? She asked where the other roads in the development are and felt the off street parking provided is inadequate. Phase I looks to be bunched up and lacking open space. Where is the commercial property that was approved. Mr. Metzner explained the location of the commercial site as it relates to this site. The large parcels that are white are other parcels of land that are not included in this project and the blue ones are retention ponds.

Mr. Rini closed the public hearing.

Mr. Sharp confirmed the project is meeting the required parking and there are no swales and only curb and sidewalk.

Mr. Kramlich moved to adopt resolution PC09-012 and approve the application as submitted contingent upon verification by the City Planner that the 40% open space requirement is being met, a sheltered bus stop is being included and the HOA documents are submitted to the planning department. Mrs. McColley seconded the motion. Motion carried unanimously following a poll of the commission.

[Davis, Bowen and Friedel, Inc on behalf of Shawnee Farm LLC; Project 08-016](#)  
[Review of an Extension Request of a Preliminary Major Subdivision to known as Cypress Hall Commercial](#)  
[Tax Map 1-30-3.00-261.00](#)

Mr. Tim Metzner with DB&F was present to request a one year extension of this project. When asked by Mr. Kramlich why the extension is needed, Mr. Metzner explained on the companies originally involved in the plans had backed out.

Mr. Rini called for public comment, but hearing none, closed the public hearing.

Mrs. Stevenson's motion to approve the application was seconded by Mr. Kramlich. Motion carried unanimously after a poll of the commission.

[Morris & Ritchie Associates on behalf of Savannah Ventures LLC; Project 08-038](#)  
[Review and Approval of an Extension Request of a Preliminary Site Plan to be known as Silver Lake Plaza](#)  
[Tax Map MD-16-183.09-01-58.00](#)

Mr. Kevin McBride with Morris & Ritchie Assoc was present to represent the application. He explained the project was working to receive approvals when the Conservation District requested they make the project more green. Mr. McBride feels the approvals will be obtained in the next few weeks, but did not want the preliminary approval to expire. This is a safety precaution. He anticipates construction beginning immediately after Final Site Plan approval.

Mr. Rini called for public comment. Hearing none, closed the public hearing.

A motion by Mrs. Stevenson to approve the one year extension was seconded by Mr. Kramlich. Motion carried unanimously after polling the commission.

**City Planner's Monthly Report**

Mr. Norris had no information to report.

With no further business, a motion to adjourn by Mr. Sharp was seconded by Mrs. Stevenson.

The meeting adjourned at 9:22

Respectfully submitted,

A handwritten signature in black ink that reads "Christine Crouch". The signature is written in a cursive, flowing style.

Christine R. Crouch

Department Administrative Assistant/Recording Secretary